

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JASON IPO and MICHAEL FREY,
Relator

Plaintiffs,

v.

Case No.: 2:19-cv-156-FtM-38MRM

CHARLOTTE PAIN
MANAGEMENT CENTER,
INC., NANCY HARRIS and
SMART PHARMACY, INC.,

Defendants.

ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation ("R&R") ([Doc. 19](#)). Judge McCoy recommends dismissing this case as to Plaintiff Jason Ipo for failure to prosecute. Ipo did not timely object. And the Government consents to a dismissal without prejudice ([Doc. 20](#)). So the matter is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

judge's R&R. See 28 U.S.C. § 636(b)(1); see also *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations, 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See *Cooper-Houston v. Southern Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

After careful consideration and an independent review of the file, the Court accepts and adopts the R&R (Doc. 19) in full.

Accordingly, it is now

ORDERED:

- (1) The Report and Recommendation (Doc. 19) is **ACCEPTED and ADOPTED** and incorporated into this Order.
- (2) As to Plaintiff Jason Ipo, this case is **DISMISSED without prejudice** for failure to prosecute.
- (3) As to the Government—with its consent (Doc. 20)—this case is **DISMISSED without prejudice**.
- (4) The Clerk is **DIRECTED** to enter judgment, terminate any pending motions or deadlines, and close the file.

DONE and **ORDERED** in Fort Myers, Florida on December 17, 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record